Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen of the City of Kingsport, Tennessee Tuesday, June 1, 2010, 7:00 PM Large Court Room – City Hall

PRESENT:

Board of Mayor and Aldermen

Mayor Dennis R. Phillips, Presiding Alderman Valerie Joh Vice-Mayor Benjamin K. Mallicote Alderman Charles K. Marsh, Jr.

Alderman Larry A. Munsey Alderman Jantry Shupe

City Administration

John G. Campbell, City Manager J. Michael Billingsley, City Attorney James H. Demming, City Recorder

- I. CALL TO ORDER: 7:00 p.m., by Mayor Dennis R. Phillips.
- **II.A.** PLEDGE OF ALLEGIANCE TO THE FLAG: Led by Jeff Fleming, Assistant City Manager of Economic Development.
- II.B. INVOCATION: by Pastor Thomas Legg of the First Church of the Nazarene.
- III. ROLL CALL: By City Recorder Jim Demming. Absent: Alderman Tom C. Parham.
- IV. RECOGNITIONS AND PRESENTATIONS. None.
- V. APPROVAL OF MINUTES.

<u>Motion/Second</u>: Munsey/Mallicote, to approve minutes for the following meetings:

- A. May 3, 2010 Special Called Business Meeting
- B. May 17, 2010 Regular Work Session
- C. May 18, 2010 Regular Business Meeting

Approved: All present voting "aye."

- VI. COMMUNITY INTEREST ITEMS.
 - AA. PUBLIC HEARINGS.
- 1. Public Hearing and Consideration of an Ordinance to Adopt the FY10-11 Budget (AF: 148-2010).

PUBLIC COMMENT ON ITEM VI.AA.1. Ms. Juanita Mitchell of 3925 Rocky Hill Lane, Kingsport, stated that she is president of KEA (Kingsport Education Association) and spoke on behalf of the need to increase City school budget allocation. She believes the school system budget is stretched as far as it can go, after being cut back every year for the past four years. She asked BMA members to support the school system by funding the amounts needed to maintain the quality education currently provided.

Alderman Munsey voiced the importance of the public's awareness that this year's budget is being passed with no property tax increase and Alderman Marsh added that it's also important to note that, in addition to no tax increase, the budget is close to being balanced with only minimal deficit spending. Mr. Marsh pointed out that, two years ago, the City had \$209 million of debt and as of the end of this month, the City's debt will increase to \$216 million. Mr. Marsh would like to see this and future Boards work to reduce this debt figure rather than continue the trend of deficit spending.

Mr. Marsh also objected to increasing user fees on the general population during this economic climate. Vice-Mayor Mallicote added that it's his understanding that the 2% increase on an average bill equals around 49 cents and became necessary because of the City's increased costs associated with providing water service, such as staffing, chemicals and power costs.

Motion/Second: Munsey/Mallicote, to pass:

AN ORDINANCE OF THE CITY OF KINGSPORT, TENNESSEE, ADOPTING A FINAL BUDGET AND APPROPRIATING FUNDS FOR THE FISCAL YEAR BEGINNING JULY 1, 2010 AND ENDING JUNE 30, 2011; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

2. Public Hearing and Consideration of an Ordinance to Adopt the FY10-11 Water Fund Budget (AF: 149-2010).

PUBLIC COMMENT ON ITEM VI.AA.2. None.

Motion/Second: Joh/Munsey, to pass:

AN ORDINANCE OF THE CITY OF KINGSPORT, TENNESSEE, ADOPTING A FINAL WATER FUND BUDGET AND APPROPRIATING FUNDS FOR THE FISCAL YEAR BEGINNING JULY 1, 2010 AND ENDING JUNE 30, 2011, AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye" except Marsh voting "nay."

3. Public Hearing and Consideration of an Ordinance to Adopt the FY10-11 Sewer Fund Budget (AF: 150-2010).

PUBLIC COMMENT ON ITEM VI.AA.3. None.

Motion/Second: Mallicote/Joh, to pass:

AN ORDINANCE OF THE CITY OF KINGSPORT, TENNESSEE, ADOPTING A FINAL SEWER FUND BUDGET AND APPROPRIATING FUNDS FOR THE FISCAL YEAR BEGINNING JULY 1, 2010 AND ENDING JUNE 30, 2011, AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

- **A. PUBLIC COMMENT.** Mayor Phillips invited citizens in attendance to speak about any of the remaining agenda items. There being no one coming forward to speak, the Mayor closed the public comment segment.
 - B. Business Matters Requiring First Reading.
- 1. Consideration of an Ordinance to Adopt the FY10-11 Metropolitan Planning Project Grant Budget (AF: 151-2010).

Motion/Second: Mallicote/Joh, to pass:

AN ORDINANCE TO APPROPRIATE METROPOLITAN PLANNING GRANT PROJECT FUNDS; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE Passed on first reading: All present voting "aye."

2. Consideration of an Ordinance to Adopt the FY10-11 Urban Mass Transit Budget (AF: 151-2010).

Motion/Second: Munsey/Joh, to pass:

AN ORDINANCE TO APPROPRIATE URBAN MASS TRANSIT GRANT PROJECT FUNDS AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE Passed on first reading: All present voting "aye."

3. Consideration of an Ordinance to Adopt the FY10-11 School Public Law 93-380 Grant Project Budget (AF: 153-2010).

Motion/Second: Shupe/Munsey, to pass:

AN ORDINANCE TO ESTABLISH PL93-380 GRANT PROJECT FUND FOR THE PL93-380 GRANT, TO APPROPRIATE SUCH FUNDS AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

4. Consideration of an Ordinance to Adopt the FY10-11 Special Schools Projects Grant Fund Budget (AF: 154-2010).

<u>Motion/Second</u>: Shupe/Mallicote, to pass:

AN ORDINANCE TO ESTABLISH SPECIAL SCHOOL GRANT PROJECT FUND 145 FOR SPECIAL SCHOOL PROJECTS GRANT, TO APPROPRIATE SUCH FUNDS AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE Passed on first reading: All present voting "aye."

5. Consideration of an Ordinance Establishing the FY11 Property Tax Rate for City of Kingsport Sullivan and City of Kingsport Hawkins County (AF: 156-2010).

Motion/Second: Joh/Munsey, to pass:

AN ORDINANCE PROVIDING FOR AND FIXING THE TAX RATE ON ALL REAL, PERSONAL, AND MIXED PROPERTY WITHIN THE CITY OF KINGSPORT, SULLIVAN COUNTY AND THE CITY OF KINGSPORT, HAWKINS COUNTY WHICH IS TAXABLE ON THE BASIS OF ASSESSMENTS MADE BY THE COUNTY PROPERTY ASSESSORS AND THE DIVISION OF PROPERTY ASSESSMENTS OF THE STATE OF TENNESSEE FOR THE FISCAL YEAR ENDING JUNE 30, 2011; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

6. Consideration of an Ordinance Providing for the FY11 Community Development Block Grant Budget (AF: 158-2010).

Motion/Second: Munsey/Joh, to pass:

AN ORDINANCE TO APPROPRIATE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR THE FISCAL YEAR ENDING JUNE 30, 2011; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

7. Consideration of an Ordinance Providing for the FY11 Emergency Shelter Grant Budget (AF: 159-2010).

<u>Motion/Second</u>: Munsey/Mallicote, to pass:

AN ORDINANCE TO APPROPRIATE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT EMERGENCY SHELTER GRANT FUNDS FOR THE FISCAL YEAR ENDING JUNE 30, 2011; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE Passed on first reading: All present voting "aye."

8. Consideration of an Ordinance to Amend the General Purpose School Fund and the General Projects Fund Budget (AF: 144-2010).

Motion/Second: Munsey/Joh, to pass:

AN ORDINANCE TO AMEND THE GENERAL PURPOSE SCHOOL FUND AND THE GENERAL PROJECT FUND BUDGETS; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

9. Consideration of an Ordinance to Amend the Schools Federal Projects Fund Budget (AF: 145-2010).

Motion/Second: Shupe/Joh, to pass:

AN ORDINANCE TO AMEND THE GENERAL PURPOSE SCHOOL FUND AND THE GENERAL PROJECT FUND BUDGETS; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

10. Consideration of an Ordinance to Amend the Schools Special Projects Fund Budget (AF: 146-2010).

Motion/Second: Shupe/Joh, to pass:

AN ORDINANCE TO AMEND THE SCHOOL SPECIAL PROJECTS FUND BUDGET; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE Passed on first reading: All present voting "aye."

- C. Business Matters Requiring Final Adoption. None.
- D. OTHER BUSINESS.
- 1. Consideration of a Resolution Authorizing the Mayor to Execute an Amendment to the Agreement for an Upgrade to the Direct Fiber Ethernet Cable with Internet Access with Century Link (AF: 65-2010).

Motion/Second: Munsey/Mallicote, to pass:

Resolution No. 2010-234, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH EMBARQ-UNITED TELEPHONE-SOUTHEAST, INC., NOW DOING BUSINESS AS EMBARQ SOLUTIONS, INC.-CENTURY LINK FOR AN UPGRADE OF THE DIRECT FIBER ETHERNET CABLE WITH INTERNET ACCESS Passed: All present voting "aye."

2. Consideration of a Resolution to Enter into a Lease Agreement for Property Located at 3437 Sherwood Road (AF: 143-2010). Public Works Director Ryan McReynolds provided background detail on and the advantages of approving this lease arrangement.

Alderman Marsh expressed his opposition to this item, and Vice-Mayor Mallicote concurred, as an invalid use of \$78,000 of City funds.

Motion/Second: Munsey/Mallicote, to pass:

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT BETWEEN THOMAS D. DOSSETT AND BURGIN E. DOSSETT, JR. AND THE CITY OF KINGSPORT, TENNESSEE FOR CERTAIN REAL PROPERTY LOCATED AT 2437 SHERWOOD ROAD, KINGSPORT, TENNESSEE

<u>Failed in a 3-3 tie vote</u>: Joh, Munsey and Shupe voting "aye" and Mallicote, Marsh and Phillips voting "nay."

3. Consideration of a Resolution Awarding the Bid for the Purchase of One (1) Fire Pumper Apparatus to Heritage Fire Equipment, Inc. (AF: 157-2010). City Manager Campbell explained that this purchase will be made from 2008 bond proceeds for Fire Station 8 and Fire Chief Dye spoke to the practicality of ordering this piece of equipment before prices go higher.

After Board discussion about whether to trade in the oldest truck or keep for a reserve, Mayor Phillips clarified that this new fire truck will be used in Station 8, the new station approved two years ago to be constructed behind the new Walgreens on New Beason Well Road (off East Stone Drive).

Motion/Second: Shupe/Joh, to pass:

Resolution No. 2010-235, A RESOLUTION AWARDING THE BID FOR PURCHASE OF ONE FIRE PUMPER TO HERITAGE FIRE EQUIPMENT, INC.; AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE SAME <u>Passed</u>: All present voting "aye" except Marsh voting "nay."

4. Consideration of a Resolution Authorizing the Mayor to Execute Agreements with Various Agencies and Organizations for Community Development Block Grant and Emergency Shelter Grant Funding in FY 10-11 (AF: 160-2010).

Motion/Second: Munsey/Shupe, to pass:

Resolution No. 2010-236, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AGREEMENTS WITH VARIOUS AGENCIES AND ORGANIZATIONS FOR COMMUNITY DEVELOPMENT BLOCK GRANT AND EMERGENCY SHELTER GRANT FUNDING IN FISCAL YEAR 2010-2011

Passed: All present voting "aye."

5. Consideration of a Resolution Authorizing the Mayor to Execute a Rights-of-Way Easement with Kingsport Power Company (AF: 161-2010).

Motion/Second: Munsey/Shupe, to pass:

Resolution No. 2010-237, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RIGHT-OF-WAY EASEMENT WITH KINGSPORT POWER COMPANY Passed: All present voting "aye."

6. Consideration of a Resolution Authorizing the Execution of an Amendment to the Agreement with Otis Spunkmeyer and Authorizing the Mayor to Sign All Applicable Documents (AF: 161-2010).

Motion/Second: Munsey/Joh, to pass:

Resolution No. 2010-238, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RENEWAL OF AN AGREEMENT WITH THE OTIS SPUNKMEYER FOR CERTAIN BAKERY ITEMS FOR SCHOOL NUTRITION SERVICES Passed: All present voting "aye."

7. Consideration of a Resolution Authorizing the Execution of an Amendment to the Agreement with Simply Fresh Produce Company and Authorizing the Mayor to Sign All Applicable Documents (AF: 164-2010).

Motion/Second: Joh/Mallicote, to pass:

Resolution No. 2010-239, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RENEWAL OF AN AGREEMENT WITH SIMPLY FRESH PRODUCE COMPANY FOR ITEMS FOR SCHOOL NUTRITION SERVICES Passed: All present voting "ave."

8. Consideration of a Resolution Authorizing the Mayor to Execute a Lease Agreement with Sterling Mets, L.P. for Lease of Hunter Wright Stadium (AF: 147-2010). Assistant to the City Manager, Chris McCartt, explained the terms in this lease which allows the Mets to exclusively use Hunter Wright Stadium during its baseball season. Mr. McCartt stated that, while the Mets will pay the City \$22,500 for this year's lease amount, the City's operating costs for the facility is around \$30,000 to \$35,000 for the entire year.

Vice-Mayor Mallicote referred to discussion held during the work session informing Board members that giving the Mets exclusive use of the stadium property during its season has caused KCVB (Kingsport Convention and Visitors Bureau) to lose opportunities to host tournaments at the venue, resulting in significant economic loss to the region. Mr. Mallicote stated it is his understanding there has been discussion about KCVB paying a comparable amount to the City for the right to manage the property and scheduling time with the Mets. He sees this arrangement as a better management situation for the City and the stadium. The Vice-Mayor suggested tabling or pulling this action to allow the City to have that discussion with KCVB and KCVB, in turn, to talk with Mets' representatives.

Board discussion followed about not renewing this lease and allowing the Mets to use the stadium this year as a carryover of last year's terms; the desire of the Board to keep the Mets in Kingsport as a quality of life issue; allowing KCVB to negotiate with the Mets directly; and if not approved, when to bring a proposed lease back for the Board's consideration.

Vice-Mayor Mallicote made a motion, seconded by Alderman Marsh, to defer this action until such time as the City Manager feels it is appropriate to revisit. The motion failed in a 3-3 tie vote: Marsh, Mallicote and Phillips voting "aye" and Joh, Munsey and Shupe voting "nay."

Motion/Second: Joh/Mallicote, to pass:

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT BETWEEN THE CITY OF KINGSPORT AND STERLING METS, LP. FOR LEASE OF THE HUNTER WRIGHT STADIUM

<u>Failed in a 3-3- tie roll call vote</u>: Joh, Munsey and Shupe voting "aye" and Mallicote, Marsh and Phillips voting "nay."

9. Consideration of a Resolution Awarding the Bid for Exterior Signage Fabrication to L & H Company (AF: 166-2010).

Motion/Second: Mallicote/Shupe, to pass:

Resolution No. 2010-240, A RESOLUTION AWARDING THE BID FOR PURCHASE OF SIGNS FOR PHASE ONE OF THE WAYFINDING SIGN PROGRAM TO L & H COMPANY; AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE SAME

Passed: All present voting "aye."

10. Consideration of a Resolution to Authorize the Mayor to Sign All Documents Necessary to Apply for and Receive a DOJ – Office of Justice Programs/Bureau of Justice Assistance Bullet Proof Vest (BPV) Reimbursement Grant (AF: 170-2010).

Motion/Second: Mailicote/Shupe, to pass:

Resolution No. 2010-241, A RESOLUTION APPROVING AN APPLICATION FOR AND RECEIPT OF A UNITED STATES DEPARTMENT OF JUSTICE BUREAU OF JUSTICE ASSISTANCE BULLET PROOF VEST (BPV) REIMBURSEMENT GRANT AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER FOR SUCH APPLICATION AND RECEIPT OF GRANT FUNDS Passed: All present voting "aye."

11. Consideration of a Resolution to Authorize the Mayor to Enter into an Agreement with K-VA-T Food Stores, Inc. to Sell a Portion of the Former Quebecor Property for the Construction of a New Food City Shopping Center (AF: 244-2010). Alderman Munsey explained his opposition to this property sale is due to the price per acre being paid is less than the fair market value of the property and results in the City subsidizing Food City and he does not agree with doing so.

Motion/Second: Joh/Shupe, to pass:

Resolution No. 2010-242, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A PURCHASE AGREEMENT WITH KVAT FOOD STORES, INC. FOR THE SALE OF A PORTION OF THE FORMER QUEBECOR PROPERTY AND ALL OTHERS DOCUMENTS NECESSARY AND PROPER TO FACILITATE TO SALE OF THE PROPERTY; AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT, INCLUDING A DEED A CLOSING DOCUMENTS Passed: All present voting "aye" except Munsey voting "nay."

12. Consideration of a Resolution Authorizing the Mayor to Execute all Documents Necessary and Proper to Apply for and Receive a Grant for \$36,560 from the Department of Justice Edward Byrne Memorial Justice Assistance Program (JAG) FY10 Local Solicitation (AF: 171-2010).

Motion/Second: Shupe/Mallicote, to pass:

Resolution No. 2010-243, A RESOLUTION APPROVING AN APPLICATION FOR AND RECEIPT OF AN EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE PROGRAM (JAG) FY2010 LOCAL SOLICITATION GRANT FROM THE UNITED STATES DEPARTMENT OF JUSTICE BUREAU OF JUSTICE ASSISTANCE AND

AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER FOR SUCH APPLICATION AND RECEIPT OF GRANT FUNDS Passed: All present voting "aye."

E. APPOINTMENTS.

1. Consideration of Reappointments to the Public Arts Committee (AF: 165-2010).

<u>Motion/Second</u>: Munsey/Joh, to approve the following:

REAPPOINTMENTS OF *MR. BRUCE SHINE, MR. ROY HARMON AND MS. DENISE DePRIEST,* EACH TO SERVE ADDITIONAL THREE-YEAR TERMS ON THE *PUBLIC ARTS COMMITTEE*, EFFECTIVE JULY 1, 2010 AND EXPIRING JUNE 30, 2013 Passed: All present voting "aye."

VII. CONSENT AGENDA.

Consent Agenda items are considered under one motion.

<u>Motion/Second</u>: Munsey/Joh, to adopt:

1. Consideration of a Budget Ordinance Authorizing the Mayor to Accept Federal and State Transportation Planning Funds on Behalf of the Kingsport MPO (AF: 124-2010).

Adopt:

Ordinance No. 5966, AN ORDINANCE TO AMEND THE METROPOLITAN PLANNING BUDGET BY REDUCING GRANT FUNDS RECEIVED FROM THE FEDERAL HIGHWAY ADMINISTRATION AND THE LOCAL SHARE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

<u>Passed on second reading in a roll call vote</u>: Joh, Mallicote, Marsh, Munsey, Shupe and Phillips voting "aye."

2. Consideration of an Ordinance to Condemn for Easements and Rights-of-Way for Certain Public Works Projects (AF: 132-2010).

Adopt:

Ordinance No. 5967, AN ORDINANCE TO AUTHORIZE AND DIRECT THE CITY ATTORNEY TO INITIATE CONDEMNATION PROCEEDINGS TO ACQUIRE PROPERTY, REAL OR PERSONAL, OR ANY EASEMENT, INTEREST, ESTATE OR USE THEREIN, FROM AFFECTED PROPERTY OWNERS ALONG THE ROUTE OF CERTAIN PUBLIC WORKS PROJECTS; TO FIX THE PROCEDURE FOR DIRECTING THE INITIATION OF SUCH LITIGATION; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

<u>Passed on second reading in a roll call vote</u>: Joh, Mallicote, Marsh, Munsey, Shupe and Phillips voting "aye."

VIII. COMMUNICATIONS.

- A. CITY MANAGER. Mr. Campbell had no comments.
- **B.** MAYOR AND BOARD MEMBERS. Alderman Shupe is excited to see a new Food City store located on the Quebecor site, given the great corporate sponsor Food City has been and continues to be.

Mayor Phillips emphasized that, with the passing of the 2011 City budget without any tax increases, it is not the Board's intent to neglect the school system as some have suggested in the recent public meetings. He reminded the audience that the City of Kingsport is ranked sixth (6th) in the state in contributions to its school system and, although the last sales tax figures received were promising and hopefully a trend going forward, the BMA must represent citizens of all incomes, including those suffering from the high unemployment rates and poor economic climate.

On a related note, Alderman Marsh asked City Manager Campbell to provide Board members in their next packets the last five (5) years of actual expenditures by the City of Kingsport, including the budget just passed, and the same information for the school system.

C. <u>VISITORS</u>. *Mr. Matt Sorge*, 4052 Lakota Place, Kingsport, voiced his disappointment, as a taxpayer, firefighter and president of the Firefighters Association, on, what he perceived was a lack discussion of the overall impact of removing Engine 12 from Fire Station 1. He referred to information provided by Dr. Spivey, the medical director who spoke at a BMA work session last year regarding the negative impact and public safety issue of shutting down that truck. He mentioned that the BMA just voted to add another "target" (Food City) in the Station 1 district and then voted to take a pumper from that district.

City Manager Campbell pointed out that there had been lengthy discussion about staff placement during an earlier budget work session and explained to Board members that Mr. Sorge would like to see the City employ nine (9) new fire employees to staff the new Station 8 rather than moving the older pumper and squad from Station 1.

IX. ADJOURN. Seeing no other business for consideration at this meeting, Mayor Phillips adjourned the meeting at 8:50 p.m.

ELIZABETH A. CEBERT

Deputy City Records

DENNIS R. PHILLIPS

Mayor